

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Sung-Tsuen Liu
Serial Number: 10/717,310
Filed: November 19, 2003
For: **STABILIZED VATERITE**
Group Art Unit: 1793
Examiner: Hendrickson, S.

Attention: Office of Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL UNDER 37 CFR §1.137(b)

Applicant petitions the Commissioner of Patents to revive U.S. Patent Application, Serial no. 10/717,310 (the "application"), which was abandoned unintentionally.

Applicant received a Notice of Abandonment (mailed on July 14, 2008) for failure to timely file a proper reply to the Office letter mailed by the Office on November 9, 2007 (the final rejection)(a copy of the Notice is attached herein). Applicant made an earnest attempt to make such a reply through a Request for Continued Examination submitted on December 3, 2007; unfortunately, such a reply was considered improper as well and Applicant was sent a Notice to that extent which was mailed on January 9, 2008.

Applicant unintentionally failed to respond to this Notice, and had awaited, instead, a full Office Action in relation to the RCE. In the interim, the attorney handling this application for Applicant left the employ of Applicant's company and the situation became overly confused as the Notice regarding the improper RCE filing was misplaced. Thus, instead of receiving an

Office Action, Applicant received a Notice of Abandonment. Thus, this application was improperly docketed, and the abandonment did not come to the attention of the Applicant until after the mailing date of July 14, 2008. Review of the entire situation has now been accomplished by a different attorney for Applicant, and a full reply in relation to not only the improper RCE filing, but also the Notice of Abandonment has now been prepared. Thus, due to such docketing, staffing, and handling problems, this application became unintentionally abandoned by the Notice noted above. Once this Notice was coupled to the file, and a full understanding of the issues involved were possible, Applicant was able to formulate a proper response as well as generate this Petition.

Applicant respectfully requests that the Examiner grant The Petition For Revival under 37 CFR §1.137(b) in view of this situation.

The Commissioner is authorized to charge the requisite fee for such Petition, \$1,620.00, as well as any other fees necessary to effectuate consideration of this Petition, to Deposit Account 50-2346.

Respectfully submitted,

November 12, 2008

/William S. Parks/

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,310	11/19/2003	Sung-Tsuen Liu	02-215	6485

7590 07/14/2008
Carlos Nieves, Esq.
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333 Thornall Street
Edison, NJ 08837-2220

EXAMINER

HENDRICKSON, STUART L

ART UNIT	PAPER NUMBER
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1793

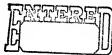
MAIL DATE	DELIVERY MODE
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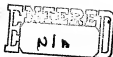
07/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Notice of Abandonment

Application No.	Applicant(s)	
10/717,310	LIU, SUNG-TSUEN	
Examiner	Art Unit	
Stuart Hendrickson	1793	

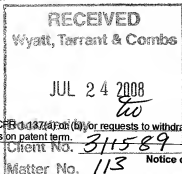
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 November 2007.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 03 December 2007, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



/Stuart Hendrickson/
Primary Examiner, Art Unit 1793

is to revive under 37 CFR 1.314(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to any negative effects on patent term.
Client NO. 311589
Matter No. 113
Notice of Abandonment
(Rev. 04-01)

Part of Paper No. 20080710